

**IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF OHIO EASTERN DIVISION**

TERESA EDINGTON,)	CASE NO. 4: 18-CV-1736
)	
Plaintiff,)	
)	JUDGE DONALD C. NUGENT
v.)	
)	
NANCY A. BERRYHILL,)	Magistrate Judge Jonathan D.
Acting Commissioner of)	Greenberg
Social Security,)	
)	
Defendant.)	<u>MEMORANDUM OPINION</u>

This matter comes before the Court upon the Report and Recommendation of Magistrate Judge Jonathan D. Greenberg (ECF #17). In September 2015, Plaintiff, Teresa Edington, filed an application for POD and DIB, alleging a disability onset date of January 1, 2011. (ECF #17 p. 1). Edington claimed she was disabled due to a panic disorder with agoraphobia, post-traumatic stress disorder, major depressive disorder, fibromyalgia, cervical spine disease with radiculopathy, cervical spondylosis with myelopathy, lumbar radiculopathy, and degeneration of intervertebral discs. (*Id.* p. 2). The applications were denied and Edington requested a hearing before an ALJ. (*Id.*). On December 28, 2017, the ALJ found Edington was not disabled and his decision became final on May 21, 2018 when the Appeals Council declined further review. (*Id.* p. 2).

On July 26, 2018, Edington filed her Complaint to challenge the Commissioner's final decision. (ECF #1). A Magistrate Judge's review is limited to determining whether the

Commissioner's decision is supported by substantial evidence and was made pursuant to proper legal standards. (ECF #17 p. 33) (citing *Ealy v. Comm'r of Soc. Sec.*, 954 F.3d 504, 512 (6th Cir. 2010); *White v. Comm'r of Soc. Sec.*, 572 F.3d 272, 281 (6th Cir. 2009)). Following this standard, on June 6, 2019, Magistrate Judge Jonathan D. Greenberg found Edington was not disabled and filed a Report and Recommendation, recommending that this Court affirm the Commissioner's final decision and deny Edington's application. (ECF #17 p. 55). Objections to the Report and Recommendation were to be filed within 14 days of service. No objections were filed.

Standard of Review for a Magistrate Judge's Report and Recommendation

The applicable standard of review of a Magistrate Judge's Report and Recommendation depends upon whether objections were made to that report. When objections are made, the district court reviews the case *de novo*. FED. R. CIV. P. 72(b) states:

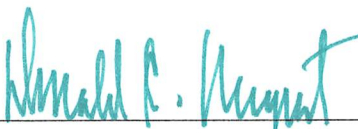
The district judge must determine *de novo* any part of the magistrate judge's disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.

The rest of Rule 72(b) addresses only the review of reports to which objections have been made; it does not indicate the appropriate standard of review for those reports to which objections have been properly made. However, the Advisory Committee on Civil Rules stated that "when no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." FED. R. CIV. P. 72 advisory committee's notes (citation omitted).

Conclusion

This Court has carefully and thoroughly reviewed the Report and Recommendation and agrees with the findings set forth therein. The Report and Recommendation of Magistrate Judge Jonathan D. Greenberg is ADOPTED. The decision of the Commissioner denying Plaintiff's application for POD and DIB is AFFIRMED.

IT IS SO ORDERED.



DONALD C. NUGENT
United States District Judge

DATED: _____

